

## IN THE CLAIMS

The pending claims are as follows:

### Listing of Claims

Claims 1-11 (Cancelled).

12. (Withdrawn) A base station apparatus comprising:

a modulating section that modulates packet data using an M-ary number adaptively selected based on a reporting of a selection result where a sub-carrier satisfying a predetermined condition relating to reception quality at an opposing communication apparatus is selected from a plurality of sub-carriers within a communication band;

an encoding section that encodes the packet data using an encoding rate adaptively selected based on the reporting; and

a scheduling section that identifies a sub-carrier satisfying the predetermined condition based on the reporting, and carries out scheduling so that packet data of a higher M-ary number or encoding rate to an identified sub-carrier having superior reception quality.

Claim 13 (Cancelled).

14. (Previously Presented) A wireless communication apparatus comprising:

a receiving section that receives information related to a number of subcarriers from a base station;

an extracting section that extracts the number of subcarriers from the received information; and

a transmitting section that transmits channel quality indicators (CQIs), the number of the CQIs corresponding to the number of subcarriers.

15. (Previously Presented) A wireless communication method comprising:  
receiving information related to a number of subcarriers from a base station;  
extracting the number of subcarriers from the received information; and  
transmitting channel quality indicators (CQIs), the number of the CQIs corresponding to the number of subcarriers.